

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOHN D. KRUPA, #1082952,

Plaintiff,

v.

**JUDGE FRED TINSLEY; WILLIAM
STEPHENSON; FAITH JOHNSON; and
CLAIRE FOSTER,**

Defendants.

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Civil Action No. **3:17-CV-3232-L-BN**

ORDER

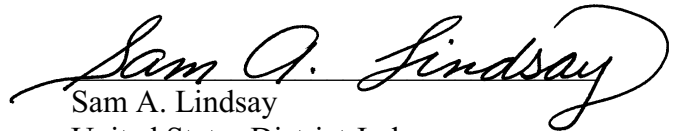
This case was referred to United States Magistrate Judge David L. Horan, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on November 29, 2017, and the Supplemental Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Supplemental Report”) on April 4, 2018, recommending that this action brought by pro se prisoner John D. Krupa (“Plaintiff”) under 42 U.S.C. § 1983 be summarily dismissed as frivolous. Plaintiff filed objections to the Report and Supplemental Report, contending that he has been incarcerated since 2002 without a jury trial or conviction in violation of his constitutional rights; that the judgment (presumably in his criminal case) is void; that Article 11.07 should not bar review and reversal of the void judgment and conviction; and that the magistrate judge’s findings and conclusions are void because he did not consent to proceed before the magistrate judge. Plaintiff’s objections are not supported by the facts or law relevant to this case or the record.

Accordingly, after carefully reviewing the pleadings, file, record in this case, Report, and Supplemental Report, and having conducted a de novo review of the portions of the Report and

Supplement Report to which objection was made, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, **overrules** Plaintiff's objections, and **dismisses with prejudice** this action as frivolous.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report and Supplemental Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 24th day of May, 2018.


Sam A. Lindsay
United States District Judge